Nº21871

Served to:

MODIFIED: \_

VACATED: \_

TERMINATED: \_

NON-COMPLIANCE: \_

OHIO DEPARTMENT OF DIVISION MINISPIAL RESOURCE OF LAST WHEELING AVE. TO: AMERICAN ENERGY CORTORATION PERMIT NO: D-0425 ADDRESS: 43521 MAYHUGH HILL ROADA 88 DISCOVERY DATE: APPLICABLE STATUTE AND/OR RULE: O, R, C 1513,02 + OFERATOR FAILED TIME SCHEDULE FOR THE THE DAMAGES (A) REMEDIAL ACTION & ABATEMENT TIME: SUBMIT THE SITE SPECIFIC TIME SCHEDULE FOR THE TIME: 5:00 DATE: 10-21 3005 a.m. p.m. DATE: \_ SERVED TO: Mailed 10/04/05 TIME: \_ Authorized Represen 3110 0002 6535 1025 p.m. 11-20 2005 extended to: 5:00 Mailed 10/27/05 Date: \_\_\_\_ Date: 10-21-05By: 12-31 2005 EXPENDED TO: .. Served to: Mailed 01/12/06 Served to: Mailed 12/27/05 00 3-2 2006 EXTENDED TO: 5.00 Mailed 04/18/06 5-31 2006 3-31 2006 EXTENDED TO: 5:06 30 2006 EXTENDED TO: 5:00 Mailed 6-23-06 Mailed \_\_\_\_ 19 \_\_\_\_ EXTENDED TO: \_ Date: Served to: \_ Date: \_\_\_ Bv: \_ \_ p.m. \_ Cessation Order Issued? \_\_\_

To: Mailed 8/3/06 By:

# NOTICE OF VIOLATION OHIO DEPARTMENT OF DIVISION MINERIAL RESOURCES Nº21871 ENERGY CORTOR PERMIT NO: \_ TIME SERVED TO: Mailed 10/04/05 p.m. DATE: \_ Cert No. 7003 3110 0002 6535 1025 11-20 2005 EXTENDED TO: Date: 10-21-05By: Mailed 12/27/05 3-2 3006 EXTENDED TO: 5.00 04/18/06 31 2006 EXTENDED TO: 5 <del>2.71.</del> -(P.II) a.m. Mailed 6-23-06 Date: \_ p.m. \_ Date: \_\_ Date 6-2306By:

\_ . 19 - \_\_\_

\_ Date: \_\_\_

\_ Date: \_\_

\_\_\_, 19\_\_

a.m.

\_ p.m.

MODIFIED: \_

VACATED: \_

TERMINATED: \_

NON-COMPLIANCE: \_

Cessation Order Issued? \_\_\_\_\_ yes

EXTENDED TO: \_\_

Served to: \_

If no, explain \_\_\_

By: \_

To:

To:

To:

a.m.

\_ p.m.

## NOTICE OF VIOLATION OHIO DEPARTMENT OF DIVISION MINERAL RESOURCE NATURAL RESOURCES OF AST WHEELING AVE. Nº21871 FIFTH WATER ENERGY CORPORATION PERMIT NO: D-0 425 ADDRESS: 43521 MAYHUGH HICC ROADA 88 DISCOVERY DATE: 1, OHIO 43716 applicable statute and/or rule: $\mathcal{O}$ , $\mathcal{R}$ , $\mathcal{C}$ (A) REMEDIAL ACTION & ABATEMENT TIME: SUBMIT SCHEDULE FOR THE REI STRUCTURES, TIME: 5:00 DATE: 10-21 2005 a.m. SERVED TO: Mailed 10/04/05 p.m. DATE: 7003 3110 0002 6535 1025 00 pm 11-20 2005 extended to: 5:00 \_\_\_ Date: \_\_\_\_\_ Served to: Date: 10-21-05By: \_ Date: //~ 12-31, 2005 expended to Served to: Mailed 12/27/05 Mailed 01/12/06 Date: \_\_\_\_\_ Served to: Date: 3-2 2006 EXTENDED TO: 5:00 Mailed 04/18/06 5-31 2006 3/ 2006 EXTENDED TO:

DNR 6801 Rev. 11/83

MODIFIED: .

ACATED: \_

TERMINATED:

NON-COMPLIANCE:

MMILED, 02/28/06

Cessation Order Issued? \_\_\_\_\_ yes

a.m.

\_\_p.m. \_

e reverse side for Civil Penalty Assessments, Failure to Comply and Instructions for Appeal.

\_ , 19

To:

If no, explain \_\_\_\_\_

Nº 21871



DIVISION OF RECTAMATION

10	22 6. 6	(27)	ANS 11 Color to " Contrata	PERMIT NO:	C) 4 2 = _
ADDRESS:	1 MAYA	W. 61 61	OF FORD RES	DISCOVERY DATE	E:
Pit Oak	South Co	Price Cy	3971C	10 5	<u> </u>
APPLICABLE STATUT	TE AND/OR RULE:	6,60	. 1513.0	15 1513	2.33
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	100 - 100 -		uthorized Representative		
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### TEETS CIVIL PENALTY ASSESSMENTS

This Notice of Violation may result in a *civil penalty assessment of up to \$5,000.00 per day*. Each day of continuing violation may be deemed a separate violation for purposes of penalty assessments.

#### FAILURE TO COMPLY

Failure to comply with *any* remedial action required by this Notice of Violation, within the prescribed abatement time, may result in *CESSATION OF MINING* and a civil penalty assessment of at least \$750.00 PER DAY, for each day the violation continues.

#### INSTRUCTIONS FOR APPEAL

Review of this Notice of Violation may be obtained by filing a notice of appeal with the Reclamation Board of Review, Ohio Department of Natural Resources, 1840 Belcher Drive, Suite 200, Columbus, Ohio 43224, within thirty days after receipt of this Notice of Violation, and by filing a copy of the notice of appeal with the Chief of the Division of Reclamation, Ohio Department of Natural Resources, Fountain Square, Building B, Third Floor, Columbus, Ohio 43224, within three days after filing the notice of appeal with the Board.

Further provisions governing the review of this Notice of Violation, including request for temporary relief, are found in section 1513.13 of the Revised Code and rule promulgated thereunder.

Nº21871

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OHIO DEPARTMENT OF DIVISION MINERIAL RESOURCE

NATURAL RESOURCES OF THE FLING AUF.

		CAMBRIDGE	- 041	0 43725
TO: AMERICAN ENERG	y Co	RTORATION PI	ERMIT NO: _	0-0425
ADDRESS: 43521 MAYHUG	SH HI	CC ROADA 88 D	ISCOVERY	DATE:
BEALL SVILLE, OH	and the second s		10 -	3 3000
APPLICABLE STATUTE AND/OR RULE: O			+ 13	513.35.
O.A.C. 1501; 13-12				
DESCRIPTION OF VIOLATION: THE	<b>a</b> 0	ATOR FAILED	To	SUBAIT TUE
SITE SPECIFIC PLANS				
REPAIR OR MITIG	<u>-</u> .	- · · · · · · · · · · · · · · · · · · ·	•	
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FANY AGREE MENT WHO	A 710	ESSTHE REPAIRS	25 00	E COMPENSAT
R THE DAMAGES TO THE	HE M	DORES STRUCTO	IRES,	,,,,
2 Committee and the committee of the com				
		TIME: 5:00 6T	T. D.4700	10-21 200
		MON	DATE:	
SERVED TO: Mailed 10/04/05	BY:	TIME: _	<del></del>	a.m. p.m. DATE:
Cert No. 7003 3110 0002 6535 1	025 Au	thorized Representative		
EXTENDED TO: 5',00 pm 11-2	0 2005	EXTENDED TO: 5-6	0 (P.M)	12-26200
Served to: Mailed 10/27/05 D	ate:	Served to: Mailed 11	/23/05	Date:
By: J. Fintal D	ate: 10-21-	05By. J. Putas	<u> </u>	Date: 1/-2/
	1,200	SEXPENDED TO: Sil	(p.m)	1-31 2006
Served to: Mailed 12/27/05 D	ate:	Served to: Mailed 01	/12/06	Date:
By: Or Fital D	ate: 12-23			Date: 1-11-0
MODIFIED:a.m.	, 19	To:	By:	
NON-COMPLIANCE:p.m.	, 19	То:	By:	
Cessation Order Issued? yes	no.	If no, explain		
ACATED:	,19	То:	By:	
TERMINATED:	,19	To:	By:	



### Ohio Department of Natural Resources

BOB TAFT, GOVERNOR

SAMUEL W. SPECK, DIRECTOR

**Division of Mineral Resources Management** 

Mike Sponsler, Chief 34 Portsmouth Street Jackson, OH 45640-1622 Phone: 740-286-6411

Fax: 740-286-1868

November 9, 2005

American Energy Corp. 43521 May Hugh Road Beallsville, OH 43716

RE: Assessment for Notice of Violation Number 21871, Permit Number D-0425

The Division of Mineral Resources Management's civil penalty assessment program does not require a civil penalty to be assessed for a violation if the violation is assigned a monetary penalty amount less than or equal to five hundred dollars (\$500.00).

In determining the amount of the penalty, we are required by rule 1501: 13-14-03 to consider the permittee's history of violations on the permit; the seriousness of the violation; the degree of negligence, if any; and how rapidly the permittee abated the violation.

Using these criteria the Division of Mineral Resources Management determined the amount of the penalty for the violation shown above to be equal to or less than five hundred dollars (\$500.00), thus no penalty will be assessed. However, if the violation is not abated within the prescribed abatement period, a minimum assessment of \$750.00 per day will be assessed for each date of noncompliance, up to thirty days.

The violation shown above will remain on your record unless vacated as a result of administrative or judicial review.

Assessment Officer

John Puterbaugh

Certified Mail Number: 7002 2410 0000 1221 7650



# DIVISION OF MINERAL RESOURCES MANAGEMENT ASSESSMENT OFF4475ICER WORKSHEET

N.O.	V.# 2	1871 PERMIT #: D-425 CPA #
SERIOU	JSNESS:	Total: \$200.00
1)	YES	Did the violation cause damage to permitted or
	Мо	unpermitted land? (\$400.00)  X
2)	Yes	Did the violation cause irreparable or irreversible damage to permitted or unpermitted land? (\$400.00)
	МО	<u> </u>
3)	Yes	Did the violation cause a situation which increased the probability of the public health or safety being
	Мо	X adversely affected? (\$400.00)
4)	Yes	X If an administrative violation (e.g. maps, permits, blast records, failure to notify for inspection
	Мо	purposes, etc.), did the violation obstruct enforcement or deny the Division or public the
		opportunity to exercise enforcement or permitting
Explai	NA in:	requirements? (\$200.00)
	Fa an	ilure to submit the plans & time schedule denies the Div. d the public the opportunity to enforce the underground ning mitigation requirements and may delay the repairs.
****	****	************
Negli		TOTAL: \$200.00
5) YE NC	<del></del>	Was the violation avoidable by the exercise of reasonable care? (\$200.00)
6) YE NO		Was the violation a reckless act or a result of recklessness (\$500.00)
7) YE		Was the violation knowingly or intentionally committed for economic gain from production (i.e. removal of overburden and/or coal)? (\$2,200.00)
Expla	si	e operator should be aware of the requirements to submit te specific mitigation plans & time schedule. Exercise of asonable care would have prevented the violation.

# DIVISION OF MINERAL RESOURCES MANAGEMENT ASSESSMENT OFFICER WORKSHEET

PERMITTEE:	American	Energy	Corporation	Permit #:	D-425
INSPECTOR: J	. Puterbau	gh	INSPECTION DATE	: 10-03-05	NOV#: 21871
HISTORY:	(For viola	tions i	To Issued on the sam	OTAL: <b>\$100.00</b>	ing the last
	twelve cal			c permit dar.	ing the rabe
8) Number of	Violations		\$100.00 for eac violation	ch duplicatio	n of the same
9) Number of	Violations	0 @	\$100.00 for eac order	ch failure to	abate cessation
10) Number of	Violations	5 @	_ \$20.00 each for	all other v	iolations
				~^~T\TB #^#\T\	
			PROPOSED ASSES		\$500.00
				Data 11-09-	-05
				Date: 11-09-	-05
*****			VIOLATIONS REVIE	WED YES	
**************************************	*****	*****	VIOLATIONS REVIE	WED YES	
	Minus 25%  Did th the vi violat	******  of Asse e permi olation ion bei	VIOLATIONS REVIE	WED YES *******  RDINARY action possible time for abatemen	ons to abate ne and date the
GOOD FAITH:  11) Yes  NO	Minus 25%  Did th the vi violat attach	******  of Asse e permi olation ion bei ed Good	VIOLATIONS REVIEW  **********  essment Total  ittee take EXTRAO  n in the shortest  fore the time set	WED YES *******  RDINARY action possible time for abatement e Report.)	ons to abate me and date the nt? See
GOOD FAITH:  11) Yes  NO	Minus 25%  Did th the vi violat attach	******  of Asse e permi olation ion bei ed Good	VIOLATIONS REVIEW  ***************  essment Total  ittee take EXTRAO  n in the shortest  fore the time set  d Faith Compliance  ********************	WED YES *******  RDINARY action possible time for abatement e Report.)	ons to abate me and date the nt? See

NOTE: Any proposed and final assessment of \$500.00 or less may be waived if the violation did not cause irreparable damage or affect public health or safety, and if the violation was abated within the prescribed abatement time. However, any assessment for a violation which was previously cited during the last 12 months on the same permit, for exceeding pint discharge effluent limitations or depositing sediment onto adjacent lands will generally not be waived.

Nº21871

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OHIO DEPARTMENT OF	DIVISION	MINERIAL	RESOUN
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		CAMBRIL	GE, OHIO	43725
TO AMERICAN ENE	RGY C	or toes tion	PERMIT NO: D	-0425
ADDRESS: 43521 MAY	HUGH H	CC ROADA 8	DISCOVERY DAT	ľe:
BEALL SVILLE,	OHIO 4	3716	10	3 ,300
APPLICABLE STATUTE AND/OR RUL	.E: O, R, C	1513,0	2+151	3.35.
O.A.C. 1501: 13-				
description of violation: $\mathcal{I}_{\mathcal{H}_{2}}$	= OPER	ATOR FAILE	0 To 50	Buit 7
SITE SPECIFIC PLA				
REPAIR OR MIT	Ti GATIO	NOF THE	- DAMAGE	5 AT 7
MOORE FARM				
# 2004 - 001.				
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OR THE DAMAGES TO	THE	MODE'S STRU	CTURES,	,,,,
9				
		TIME: 5:00	200	-21 20
		TIME: S.CO	DATE: 10	
SERVED TO: Mailed 10/04/05	BY: _	TIME	a.m ;:p.m	i. DATE:
Cert No. 7003 3110 0002 65	133 1023 -	Authorized Representative		
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		1-05By: J. Tuta	\$1	Date: 1/-
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By: O. Vilay	Date: 12-2	3-08v: 9, 120	ass	Date: <u>[-/</u> /
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erved to: Mailed 02/09/0  y: J. J. Jan.	Date:	_ Served to:	p.m	Date:
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Rev. 11/83

Nº21871

OHIO DEPARTMENT OF	DIVISION MINERIAL	RESOUND
NATURAL RESOURCES	OF I	المرك عاد مردور

	CAMBRIDGE	, OHIO	<u>43025</u>
TO: AMERICAN ENERGY C			
ADDRESS: 43521 MAYHUGH H			
BEALL SVILLE, OHIO 4		10-3	
APPLICABLE STATUTE AND/OR RULE: O, R, C			
O.A.C. 1501: 13-12-03			
DESCRIPTION OF VIOLATION: THE OPER		To Su	BaIT TH
SITE SPECIFIC PLANS AN	•		• '
REPAIR OR MITIGATIO			
MOORE FARM AS SPE			
# 2004-001.			
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FOR THE DAMAGES TO THE A	MODES STRUCTU	RES,	
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By: J. Partas Date: 10-2	105By: Julas		_ Date: 1/- Z
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Served to: Mailed 12/27/05 Date:		/12/06	Date:
By: J. Filas Date: 12-2	3-08y: 4, / Elas	/	Date: <u>[ -//-</u> -
		a.m.	
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	_ Served to:		
	- Osy:		
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	_ Served to:		
By: J. July Date 22	A By:		Date:
MODIFIED:, 19	_ To:	By:	
NON-COMPLIANCE:, 19, 19			
Cessation Order Issued? yes no.			•
VACATED:, 19			
TERMINATED:, 19			
J. DALVARIVER ADD.			

NR 6801 See reverse side for Civil Penalty Assessments, Failure to Comply and Instructions for Appeal.

Nº21871	NATURAL RESOURCES OF	The state of the s	SIAL RESOURCE
	CAMBRIDGE	= 0410	43125
TO: AMERICAN ENERGY	Corporation	PERMIT NO: D-	0425
ADDRESS: 43521 MAYHUGH	Til		
BEALL SVILLE, OHIO			3
APPLICABLE STATUTE AND/OR RULE: O, R		2 + 151	•
O. A.C. 1501; 13-12-0	/ )/ >		
DESCRIPTION OF VIOLATION: THE OF	ERATOR FAILED	To 50	BAIT THE
SITE SPECIFIC PLANS,	AND TIME SC	MEDULE	FOR THE
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MOORE FARM ASS	PECIFIED in	DAMAGE	= NoTice
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Anti-Chairman Control of Control	TIME: 5:00 0		-21 200
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Cert No. 7003 3110 0002 6535 1025  EXTENDED TO: 5:00 p.m. 11-20 3  Served to: Mailed 10/27/05 Date:	TIME: 5:00  EY: Authorized Representative  EXTENDED TO:  Served to:	a.m	. DATE:, 19
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Cert No. 7003 3110 0002 6535 1025         EXTENDED TO:       5:00 p.m.       11-20 p.m.         Served to:       Mailed 10/27/05 Date:       Date: 48 p.m.         EXTENDED TO:       p.m.       , 19	TIME: 5:00  EXTENDED TO:  Served to:  C-21-05By:  EXTENDED TO:	a.m	DATE:
Cert No. 7003 3110 0002 6535 1025         EXTENDED TO:       5:00 p.m.       11-20 p.m.         Served to:       Mailed 10/27/05 Date:       Date: 4.0         EXTENDED TO:       p.m.       , 19         Served to:       Date: 4.0	TIME: 5:00  EXTENDED TO:  Served to:  EXTENDED TO:  Served to:  Served to:  Served to:	a.m	DATE:
Cert No. 7003 3110 0002 6535 1025         EXTENDED TO:       5:00 p.m.       11-20 p.m.         Served to:       Mailed 10/27/05 Date:       Date: 48 p.m.         EXTENDED TO:       p.m.       , 19	TIME: 5:00  EXTENDED TO:  Served to:  EXTENDED TO:  Served to:  Served to:  Served to:	a.m	DATE:
Cert No. 7003 3110 0002 6535 1025         EXTENDED TO: 5:00 p.m       11-203         Served to: Mailed 10/27/05 Date: By:	TIME: 5:00  EXTENDED TO:  Served to:  EXTENDED TO:  Served to:  Served to:  By:	a.m	DATE:
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Nº21871

OHIO DEPARTMENT OF	DIVISION	MINERIAL	Pr Sound
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NOTICE OF VIOLATION				
Nº21871		OHIO DEPARTMENT OF DIVINATURAL RESOURCES OF 19	· Parting the last of the last	LINE AUF.
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TO: AMERICAN ENER		· D	ERMIT NO: $\mathcal{Q}$	0425
A / / #	١	(( ROADA 38 DI	SCOVERY DATE	<b>3:</b>
BEALL SVILLE, O			10-3	3,005
APPLICABLE STATUTE AND/OR RULE:		1513,02	+ 1513	35.
O.A.C. 1501: 13-10		(H/(1).		
DESCRIPTION OF VIOLATION: THE	OPERS	+ TOR FAILED	To Su	BAIT THE
SITE SPECIFIC PLAN	S AN	O Time SCA	YE DULE	FOR THE
REPAIR OR MITI	64 Tion	OFTHE	DAMAGE	SAT THE
MOORE FARM AS	SPEC	ified in	DAMAGE	- NoTice
# 2004 -001.				<del></del>
(A) REMEDIAL ACTION & ABATEMENT T	'IME: <u>5 4</u>	BMIT THE	SITE	SPECITIC
PLANS AND TIME S	5 CHEL	pule FOR TA	E REFE	IROR
MITIGATION OF THE		AT THE MORE	FARM OF	E EVIDENCE
OF ANY AGREE MENT W	HICH		FOR	COMPENSATION SATION
FOR THE DAMAGES TO T	THE MO	DORES STRUCTO	RES,	
		TIME: 5:00	DATE: 10-	-21 2005
SERVED TO: Mailed 10/04/05	DV A	Personal States	a.m.	DATE:
Cert No. 7003 3110 0002 6535	1025 BY:	horized Representative	p.m.	DATE:
		EXTENDED TO: 5:0	2 a.m. /-	2-2612005
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Served to: Mailed 10/27/05			1	Date:
By: 12 -		25 By: J. Julay	a.m.	
Mailed 12/27/05	•	EXPENDED TO:	-	, 19
Served to:	Date:	Served to:		
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MODIFIED:	, 19	To:	By:	
NON-COMPLIANCE:p.m	, 19	To:	By:	
Cessation Order Issued? yes	no.	If no, explain		
VACATED:	. 19	To·	Bv∙	

RMINATED: .

To: \_

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NOTICE OF VIOLATION DIVISION MIN Nº21871 DATE: 10-21

TIME:

SERVED TO: Mailed 10/04/05

Cert No. 7003 3110 0002 6535 1025

p.m. DATE: